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Report of the Special Rapporteur on the situation of human rights in Cambodia*

Note by the Secretariat

Cambodia has continued to implement a number of ambitious programmes, the fulfilment of which will enhance the protection of human rights in the country. The Government is also working towards submitting a voluntary mid-term report for consideration by the Working Group on the Universal Periodic Review. Although there have been many positive developments in the situation of human rights, they have been overshadowed by the prevailing political situation characterized by the increasing number of arrests and cases of detention of civil society actors and members of the largest opposition party, and overt and covert restrictions on civil society actors and human rights defenders.

During her missions, the Special Rapporteur was encouraged by the willingness of government interlocutors to engage in discussions. In furtherance of this dialogue and with the aim of finding solutions to strengthen the respect, promotion and protection of human rights in Cambodia in fulfilment of the State's treaty obligations, the mandate holder has made a number of recommendations, and encourages the Government to consider them with the aim of establishing a programme of action with a clear implementation timetable.

* The present document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B.

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I. Introduction

1. The present report is submitted to the Human Rights Council in accordance with Council resolution 30/23. During the period under review, the Special Rapporteur monitored the situation of human rights in Cambodia, receiving information from different stakeholders, including the Government, civil society organizations and private citizens.

2. The Special Rapporteur undertook two missions to Cambodia: from 17 to 24 September 2015, and from 21 to 31 March 2016. As reported orally to the Human Rights Council at its thirtieth session, the Special Rapporteur has decided to approach her mandate with a focus on marginalized groups, using discrimination as a lens to view the prevailing human rights situation. The mandate holder identified women and indigenous peoples as the focus of her second mission. The present report describes her initial findings during both missions. The Special Rapporteur is grateful to the Government for its welcome and full cooperation during her two missions.

3. The Special Rapporteur was welcomed by the Prime Minister of Cambodia, Samdech Akeak Moha Sena Padey Techo Hun Sen, and met with a number of members of the Government and stakeholders, including civil society organizations, the United Nations country team and development partners. During the year under review, she also the Deputy Prime Minister and Minister of the Interior, Samdech Kralahom Sar Kheng, the Deputy Prime Minister and Minister in Charge of the Council of Ministers, Sok An, the President of the Senate, Samdech Vibol Sena Pheakdey Say Chhum, the Chair of the Cambodian Human Rights Committee, Mak Sambath, the Minister for Education, Youth and Sports, Hang Chuon Naron, the Minister for the Environment, Say Sam Al, the Minister for Justice, Ang Vong Vathana, the Minister for Labour and Vocational Training, Ith Samheng, the Minister for Rural Development, Chea Sophara, the Acting President of the National Assembly, Nguon Nhel, the Minister for Culture and Fine Arts, Phoeung Sackona, the Senior Minister and Minister for Land Management, Urban Planning and Construction, Im Chhun Lim, the Secretary of State, Ministry of Women's Affairs, Hou Samith, the Chair First Commission on Human Rights, Complaints and Investigations of the National Assembly, Eng Chhai Eang, and other members of the Commission, the Chair of the First Commission on Human Rights, Complaints and Investigations of the Senate, Senator Kong Korm, and other members of the Commission, and the President of the National Election Committee, Sek Bunhok, and other members and staff of the Committee.

II. General situation of human rights

4. The Government of Cambodia has reported successes in meeting the Millennium Development Goals.[1] It is noteworthy that Cambodia added a ninth goal, on demining and removing explosive remnants of war and victim assistance. Cambodia has reduced the official poverty head-count (13.5 per cent in 2014) and the incidence of maternal mortality, increased the rate of primary school enrolment, and reduced the infection rate of HIV, malaria and tuberculosis. The rate of economic growth continued at 7 per cent in 2015; the launch of the Association of Southeast Asian Nations (ASEAN) Economic Community in 2015 will offer further opportunities for economic growth and employment growth.

5. The benefits of developments have not, however, been enjoyed equally by all sectors of society. The fact that continued efforts are needed to reach the most vulnerable sectors of

[1] Royal Government of Cambodia, End Country Report on Achieving Cambodia's Millennium Development Goals 2003-2015, Ministry of Planning, Phnom Penh, November 2015.

society is shown by the comparative lack of significant progress in attaining indicators and targets on child labour and malnutrition, gender equality, basic sanitation and environmental sustainability (particularly in rural areas). Growing income disparities render those just above the poverty threshold particularly vulnerable. Looking forward, the Government has indicated that initial strategies for addressing the Sustainable Development Goals will be concluded by the end of 2016.

6. During the period under review, a number of laws adopted, and others apparently being drafted, will and may have implications for the protection and promotion of human rights. There has also been a raft of arrests, detentions, charges and convictions against members of political parties and civil society. Viewed together, these developments suggest that the law is increasingly being used to restrict the democratic space in the country.

7. The political situation has implications for the protection and promotion of all human rights in the country. The period under review began with the agreement on a "culture of dialogue" between the Cambodian People's Party (CPP), the ruling party, and the Cambodia National Rescue Party (CNRP), the largest opposition party, in effect but under stress. On 22 October 2015, two members of the CNRP were attacked by a large crowd just outside the gate of the National Assembly. In May 2016, three men identified in court as members of the Prime Minister's bodyguard unit were convicted on related charges.[2] Several senior members of the CNRP, including Members of Parliament who had had their parliamentary immunity revoked, had charges brought against them or have cases pending: CNRP President Sam Rainsy left Cambodia in 2015 and remains overseas following the resurrection of historic cases against him; charges of defamation or attempts to bribe a witness have been lodged against CNRP Vice President Kem Sokha and members of civil society (also against a United Nations human rights official);[3] and a CNRP-nominated member of the National Election Committee may yet face trial in connection with a demonstration held on 15 July 2014.[4] In its decision of 23 March 2016 on five cases concerning 12 CNRP parliamentarians, the Governing Council of the Inter-Parliamentary Union noted the "deteriorating political situation" in Cambodia.

8. The CNRP has withdrawn its participation in the National Assembly on several occasions, and relations between political parties have been tense. Such a situation has implications for the legislative process at a time when many important laws that have an impact on human rights are scheduled for discussion. Although the commune/*sangkat* elections are still one year away and the national election two, the political situation is already turning attention away from the many positive plans of action and strategies the Government is formulating and implementing. Many of these initiatives, including programmes on women's rights, education, the environment and land rights, are aimed at enhancing the protection and promotion of human rights. Without genuine conciliatory efforts by the two main political parties to re-establish the culture of dialogue in an atmosphere of mutual respect, the situation of human rights in Cambodia could well deteriorate further in the months ahead. All elected leaders have a responsibility to act in the interests of those whom they represent, and to work together to safeguard national peace and public order, rather than fuel civil unrest through divisive actions and rhetoric.

9. With regard to one issue raised orally before the Human Rights Council at its thirtieth session - the Prey Speu Social Affairs Centre, now renamed a drop-in centre - people, including children and vulnerable adults with medical needs and psychosocial

[2] Three members of the unit were convicted in May 2016 in connection with the attacks.

[3] All except Mr. Sokha and the United Nations official are currently in pretrial detention.

[4] In July 2015, 11 members and supporters of the CNRP were convicted of offences in connection with the demonstration.

disabilities, are regularly rounded up in the streets and held in poorly equipped facilities. Many are neither homeless nor without family. The Special Rapporteur notes the recent announcement by the Prime Minister that the drop-in centre should be made functional or be closed, and concurs with him, while urging the release of those persons being held against their will and the establishment of a properly equipped and funded social affairs centre capable of providing appropriate assistance to persons claiming need.

III. Vulnerable groups and discrimination

10. International human rights are predicated on the premise that all persons should enjoy all freedoms and rights without discrimination. In all societies, however, there are marginalized groups whose enjoyment of rights is compromised in some way, such as minorities, indigenous peoples, persons with disabilities, women, children, intersex, transsexual, gay and lesbian persons, or those making life choices that are not mainstream in the country in which they live. Sustainable Development Goal 10 is aimed at reducing inequality within countries. Marginalized persons are often vulnerable to discrimination on multiple grounds; grounds of vulnerability in fact often intersect to create a particular disadvantage for an individual. This can be problematic for legislation predicated on a single ground, without cognisance of the aggravated disadvantages suffered owing to multiple grounds. Discrimination on any ground is a legitimate concern when promoting human rights in an equitable, fair society. It is a tool that can be used to limit the enjoyment of human rights by individuals and groups within society. International law clearly states that rights and freedoms should be enjoyed without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, gender identity, disability or other status. The Government of Cambodia has voluntarily agreed to be bound by many international treaties that enshrine this principle.[5]

A. Indigenous peoples

11. Cambodia is home to some 455 indigenous communities, which identify themselves in 24 groups, numbering approximately 179,000 people (1.34 per cent of the population). The communities are often isolated geographically, a fact that poses infrastructure challenges for the Government when providing such essential services as health care and education. The Government voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples, and adopted a national policy on the development of indigenous peoples in 2009. Various ministries have specific plans of action and policies regarding indigenous peoples. The Special Rapporteur was indeed struck by the high level of awareness of indigenous rights among government ministers and, at the provincial level, by the governor in Stung Treng province. Transforming good intentions into positive action can, however, be fraught with challenges. Of particular importance is the need to engage effectively with indigenous peoples. In 2014, the Special Rapporteur on the rights of indigenous peoples observed that involving indigenous peoples at the outset in planning would go a long way in speeding up implementation and avoiding conflicts about how implementation is carried out, even though it was a step often overlooked (A/HRC/27/52, para. 19). Adhering to this advice could obviate many current problems, ensuring a voice for indigenous people and greater "buy-in" to government policies. A holistic approach is

[5] The Special Rapporteur points out that, during her first mission, the Government highlighted issues relating to persons of Vietnamese ethnicity. See CCPR/C/KHM/CO/2, para. 8.

inevitably best to address the diverse and interconnecting issues characteristic of the rights of indigenous peoples.

12. Many indigenous groups in Cambodia have no written language, only an oral culture. During a meeting in March 2016, the Minister for Culture and Fine Arts outlined the measures being taken to capture traditional languages and preserve them digitally. While it is commendable and arguably necessary to transcribe non-written indigenous languages, there is a fine line between preservation and assimilation; care must be taken to work with indigenous groups to ensure the maintenance of their culture and languages in a manner which is acceptable to them. The inclusion of indigenous – as well as Khmer – culture and cultural traditions in the school curriculum is important for all children. The Special Rapporteur is aware of the difficulties encountered when a Government tries to protect or preserve aspects of cultural rights, but recalls that it is for indigenous peoples themselves to decide if they wish to change their traditional practices.

13. The multilingual education plan of action launched by the Government in 2016 seeks to build on earlier programmes of bilingual education for indigenous and ethnic minority children. Earlier versions were commended by the Committee on Elimination of Racial Discrimination (CERD/C/KHM/CO/8-13, para. 20). Building infrastructure through community schools, the Government hopes to secure bilingual education for the initial stages of primary level study. The plan should be encouraged and supported with adequate funding. The Special Rapporteur is well aware of the challenges of not only building schools in many areas but also of securing trained bilingual teachers and appropriate teaching and learning resources in indigenous languages. A general (adult) literacy programme is also being implemented by the Ministry of Education, Youth and Sports in rural communities. For indigenous peoples interacting with government (including provincial) authorities, Khmer is usually the lingua franca. This has implications for the realization of all rights, not least land rights.

14. The management of land is an issue of particular concern to indigenous peoples. Like many of the world's indigenous peoples, Cambodian indigenous peoples frequently live in a close relationship to the land, including rivers and forests. As Cambodian society engages in rapid development, in conjunction with population expansion, there are inevitably tensions over land.

15. Indigenous peoples can benefit from the system of communal land titling developed by the Government and promulgated by the Land Law (2001). Article 23 of the Land Law offers a legal definition of indigenous peoples, which acknowledges the cultivation of land according to customary rules of collective use. Recognition of these collective communal land titles requires three principal, sequential stages: communities must be recognized by the Ministry of Rural Development as indigenous communities; recognized communities must then be registered with the Ministry of the Interior as legal entities; and communities thereby registered must apply to the Ministry of Land for registration of their communal land title. At the provincial level, there are steps necessary for each of the foregoing stages; for example, determining the extent of land claims. The registration process can be cumbersome for indigenous peoples owing to the costs involved (a communal land title can cost as much as $70,000), the length of time for completing the process, a lack of awareness of the process, and difficulties in fully engaging with the process because of language and cultural issues. Communal land titles often take several years to process, from the initial recognition of the group to the awarding of the title, leaving indigenous land in the meantime vulnerable to encroachment by various parties. Indeed, applications for land use or titles by private parties may proceed faster than the applications of indigenous communities. During her mission in March 2016, the Special Rapporteur received information on delays at the provincial level that precluded the completion of preliminary

documentation at the various stages of the process outlined above, contributing to delays at the ministries.

16. As at May 2016, 118 indigenous communities had been recognized as such by the Ministry of Rural Development; 90 were recognized as legal entities by the Ministry of Interior, although only 11 communal land titles had been issued. During their meeting, the Minister indicated to the Special Rapporteur that titles for 14 more communities were pending and that the Ministry's goal was to have 50 titles awarded to indigenous communities by 2018. If implemented as intended, this would mark a notable and welcome acceleration in the process. The Special Rapporteur understands the challenges faced by States in delineating indigenous land, particularly when many indigenous peoples engage in rotational and slash-and-burn farming practices. The Special Rapporteur is aware of the challenges delineating land concessions and land claims. She was informed by the Ministry of Land Management of developments in using trees, poles and microchips to demarcate boundaries more effectively, even though the lands used by many indigenous peoples are still not demarcated. Areas of land, river and especially forest can have strong spiritual connections. Many Cambodian indigenous peoples have "spirit forests" that may be distant from their current village. Communities may not understand the legal issues concerning access to disparate areas of land and the need for securing transit zones, resulting in tensions between communities and businesses.

17. Particular challenges arise when land titles cannot be granted. In March 2016, the Special Rapporteur visited Stung Treng province and the site of the Lower Sesan II hydropower dam. She met with the communities affected, both in their traditional villages and in a new resettlement site. The dam, one of a series and expected to contribute to the State's growing energy needs, is a high-priority government project. Although hydropower projects might be considered a "clean" energy solution, they inevitably have a substantial impact on the adjacent land and the peoples that inhabit them. In this instance, the dam will stretch over several kilometres and have an impact on the Mekong waterway, particularly along the Sesan and Srepok tributaries, damming the lower level of the Sesan River. An environmental impact assessment undertaken on the project identified the economic and social impact of the project, in particular on the right to a safe, clean, healthy and sustainable environment. Six villages, including those with indigenous peoples, will have to be relocated in advance of the flooding of the reservoir in 2017. Adequate consultations are necessary to ensure free and prior informed consent of communities for resettlement, even if resettlement is ultimately unavoidable. The actual content of the compensation packages offered did not appear to be fully understood by some of the villagers with whom the Special Rapporteur met, even though the authorities have worked to provide land, housing, health, education and transitional financial and food support. In one instance, the communities and authorities agreed that the land at the resettlement site was not of appropriate agricultural quality. The authorities then agreed to alternative land selected by the communities affected, albeit some 20 km from the resettlement site. Problems remain for indigenous peoples, however, such as the loss of burial grounds or spiritual forests. Some peoples indicated a preference to remain on their original land, even in floating houses, if necessary, in order to remain in proximity to their traditional lands. The viability of such an option does not appear to have been presented to or considered by the authorities. There is a clear need for adequate consultation with affected communities: sufficient time, good translation, more sensitivity to cultural practices and more consideration of the feasibility of alternatives suggested by the community members themselves.

18. During her field trips to Stung Treng and Preah Vihear provinces, the Special Rapporteur was particularly struck by the number of women attending meetings to raise their concerns over land and cultural rights, in particular usufructuary rights, education, the freedoms of religion and belief, and burial issues were particularly prominent concerns. In

2015, the Special Rapporteur on the rights of indigenous peoples concluded that indigenous women and girls experienced complex, multidimensional and mutually reinforcing human rights violations (A/HRC/30/41, para. 73). In Cambodia, a holistic analysis of indigenous women's experiences has yet to feed in to policies and plans on indigenous rights.

B. Women

19. In Cambodia, one often hears reference to the traditional high regard with which women are held; this very regard may, however, restrict women in the equal exercise of their rights. Although striking a balance between protecting women and ensuring equality of access to and enjoyment of human rights can be a challenge in many States, the treaties that Cambodia has ratified are clear: women must be guaranteed equal rights. This is the case irrespective of the protective, even patriarchal, aim of traditional "special treatment". Gender stereotyping, particularly within the family, remains common in Cambodia, as several government ministers and other stakeholders confirmed. Accordingly, traditional norms can limit choices and influence decisions. Sustainable Development Goal Target 5.1 is aimed at ensuring an end to all forms of discrimination against all women and girls (see also A/HRC/26/16, paras. 118.49-56).

20. In education, statistics reflect considerable improvement in the enrolment and retention of girl children at school. The Ministry of Education, Youth and Sports has worked with other stakeholders to secure near universal primary enrolment. Efforts should now be made to improve secondary enrolment and completion, and to ensure safe and acceptable tertiary-level opportunities for women, especially outside of the cities.

21. Employment continues to be characterized by gender divisions; for example, more women than men work in the garment sector. One of the more regulated sectors, the garment industry has strong trade unions and generally higher levels of regulation (including of pay and conditions) than other sectors. There have been many successes in improving working conditions and practices; the Better Factories Cambodia campaign conducted by the International Labour Organization is an example now being exported elsewhere in the region. During a meeting with garment workers near Phnom Penh, however, the Special Rapporteur was struck by the poor living conditions of the women she met and the low net salaries they earned, a concern shared with the Committee on the Elimination of Discrimination against Women (see CEDAW/C/KHM/CO/4-5, para. 35). Other sectors can, however, be even worse, hence the distances travelled and sacrifices made by many women to take up employment in the garment sector. The comparative perceived advantages of working in garment factories near the capital draw women from many rural provinces. Mothers often leave their children with family members in their home province, remitting monies for support, and returning only during holidays, with implications for the rights of the child, as well as for the woman herself. The costs of accommodation,[5] health care,[6] nutritious food and clean water affect the net salaries earned. Nonetheless, for many women, especially in rural communities, these jobs are viewed as a route out of poverty. Ending poverty is Sustainable Development Goal Target 1. The Government should work with businesses to ensure adherence to the Guiding Principles on Business and Human Rights across all sectors.

22. As Cambodian society is embarking on an electoral process, it is logical to examine the role of women in politics. Very few women occupy high political offices in Cambodia. There are only 23 women in the National Assembly (out of 123), and 11 in the Senate (out

[5] Traffic accidents during commutes are frequent, an issue that the Government is beginning to address. Sustainable Development Goal 11, target 2 addresses safe, affordable, accessible transport systems and improvements in road safety.

of 58). While the proportion of women is larger at the local level, it is nevertheless clear that, statistically, women are underrepresented in politics. The number of female secretaries and undersecretaries of State is increasing;[7] more women are thereby gaining the experience and skills required for higher political office. All political parties should consider increasing the number of women on electoral lists and working to address the hidden barriers limiting the number of women standing for election. The Special Rapporteur reminds the Government that article 4 of the Convention on the Elimination of All Forms of Discrimination against Women permits temporary special measures to redress imbalances, and that the Committee on the Elimination of Discrimination against Women has twice recommended temporary special measures to increase the representation of women in decision-making positions, especially in politics, the judiciary and the foreign and diplomatic service (see CEDAW/C/KHM/CO/4-5, para. 29 and CEDAW/C/KHM/CO/3, para. 14).

23. During the mission of the Special Rapporteur in March 2016, violence against women emerged as a topical issue.[8] Although government ministries suggested that domestic violence had decreased, no official statistical information confirmed this, even though all stakeholders agreed that it remains a problem. The Committee on the Elimination of Discrimination against Women made several recommendations in this regard following its consideration in 2013 of the State's fourth and fifth periodic reports (see CEDAW/C/KHM/CO/4-5). In particular, the Committee recommended that the Government intensify efforts to train judicial officers and law enforcement officials on the law on the prevention of domestic violence to ensure effective prosecution of cases of violence against women rather than the hitherto systematic use of mediation. The Special Rapporteur reiterates that recommendation. In too many instances, cases of violence against women, including rape and domestic violence, are resolved exclusively through informal justice systems at the local level. While the law on the prevention of domestic violence only permits mediation in cases that are not criminal, the Government acknowledges that mediation is commonly used, resulting in many victims of domestic violence returning to live with an alleged perpetrator who has not been criminally investigated or prosecuted. Mediation and informal mechanisms can result in the retraumatization and degradation of the victim, who may then find herself still living with the perpetrator. Further physical and mental violence is possible. Safe houses offering protection and recovery are needed to offer a safe escape option for victims of domestic violence.

24. Eradicating violence against women, which continues to be a pervasive human rights violation in Cambodia, requires a multi-sectoral response. A revision of the current law on the prevention of domestic violence and victim protection is of the utmost importance to ensure conformity with international standards. Women who have suffered sexual and gender-based violence and wish to bring the alleged perpetrators to justice face many barriers. As a result of the general lack of gender sensitivity of law enforcement and judiciary personnel when dealing with victims of sexual assaults and crimes, a culture of silence prevails; very few cases actually reach the courts. Strengthening judicial mechanisms that protect victims' rights, ensuring the fair prosecution of alleged perpetrators, and developing gender-sensitivity training for law enforcement officers and the judiciary are crucial steps in addressing these issues. While the Government is undoubtedly aware of the problem and is to be commended for developing a cross-ministerial response, urgent work is required to de-stigmatize domestic violence and to encourage reporting of all violence. Law enforcement officials must also be trained in

[7] Royal Government of Cambodia, End Country Report (see footnote 1).

[8] Target 5.2 of the Sustainable Development Goals is on eliminating violence against women and girls in public and private; see also A/HRC/26/16, paras. 118.62, 118.63 and 118.65.

dealing sensitively with persons claiming to have been victims of domestic violence, and more women officials should be trained and deployed in provinces, especially at the local level.

25. A number of steps are needed to enable all victims of gender-based violence to feel sufficiently confident to report offences: repeated condemnation of offences at the highest levels of government, and repeated public commitments to prosecute perpetrators of such crimes; dissemination to the public (including school children) of information on gender-based violence and on the criminal law on sexual offences, using all forms of media and social media; and cooperation between government institutions and women's networks to improve reporting on cases of gender-based violence and to ensure that cases are investigated and perpetrators prosecuted, without repercussions for the victim. Such steps will help to de-stigmatize victims and, alongside appropriate support, encourage reporting and increase the rate of prosecutions. Taken with the public education programme, they should deter attacks and increase respect for women, thereby contributing to the achievement of Sustainable Development Goal 5. Both the Committee on the Elimination of Discrimination against Women (in its general recommendation 19 (1992)) and the Special Rapporteur on violence against women, its causes and consequences (see A/HRC/32/42) offer support and advice to States on eliminating violence against women.

26. Women and children continue to be trafficked from Cambodia to foreign countries for domestic labour and sexual exploitation. The Special Rapporteur is aware of the efforts made by the Government to regulate some aspects of migration, by the Ministry of the Interior to combat trafficking, and by the Ministry of Labour and Vocational Training pursuant to the memoranda of understanding with countries receiving large numbers of Cambodian migrant workers. Although there are laws in place that criminalize trafficking, the Government should intensify efforts to combat trafficking. Increasing effective investigation and prosecution of those allegedly involved in trafficking would send the message that trafficking in human beings is not acceptable in Cambodian society. There is also a need for greater monitoring of migrant domestic workers, their recruitment, their treatment overseas and their repatriation, as noted by the Committee on the Elimination of Discrimination against Women (CEDAW/C/KHM/CO/4-5, para. 25). Victims of trafficking, exploitation and abuse also require support ex post facto to facilitate their reintegration into normal life or in the establishment of a normal life.

27. The Special Rapporteur expresses her concern at evidence she received of the degradation of women in the media, including social media. The photographs of dead or seriously injured victims of domestic violence should not be circulated. The Special Rapporteur recommends that courts apply the relevant provisions of the Criminal Code when women, especially victims of sexual assault and violence, are graphically depicted. The press and the users of social media also have a responsibility to respect women, especially vulnerable women. In this regard, the Government has agreed to raise awareness of the rights of women, including among journalists (see A/HRC/26/16, para. 118.64). There is a growing tendency in social media and popular discourse to stereotype women on the basis of their work. This is particularly the case for women working in the entertainment industry. The Special Rapporteur therefore welcomes the steps taken by the Ministry of Women's Affairs and the Ministry of Labour to address such situations.

IV. Evaluating the democratic space

28. The democratic space has been reduced in Cambodia through the application of a range of laws restricting the freedom of expression, the rights to freedom of peaceful assembly and association and the restriction of a range of legitimate activities of non-governmental and civil society organizations. In July 2015, a law on non-governmental

organizations was adopted and came into force (see A/HRC/33/32, KHM 2/2015). Cambodia has a plethora of non-governmental organizations and civil society bodies, from local grass-roots organizations to national, regional and international entities. The flourishing of civil society has been regarded as a major success in post-transition Cambodia that has made an enormous contribution to the development of the country. Protecting fundamental freedoms is target 16.10 of the Sustainable Development Goals.

29. The law on associations and non-governmental organizations has laid down registration and re-registration requirements for organizations. While requirements of this type will help to regularize the situation of hundreds of organizations working in Cambodia, the authorities could potentially refuse registration or re-registration, with adverse implications for the organization concerned. The law in question is one of a series of recent laws that could be applied in a way that makes it more difficult for independent bodies to act on human rights issues. The law on the election of members of the National Assembly, adopted in 2014, criminalizes political campaigning and public opinion polling outside a defined campaigning period; the law on telecommunications adopted in 2015 requires telecommunications companies to turn over certain data to the Government upon request; while the law on trade unions of 2016 precludes individuals convicted of a crime from leading a trade unions; significantly, many independent trade unions are led by persons convicted on, or currently under threat of, charges relating to their work in defence of workers' rights. A detailed analysis of each of these laws by OHCHR in Cambodia, non-governmental organizations, trade unions, and others reveals the scope for infringing human rights. Like in the case of many laws, the degree of compliance with international human rights laws lies in the interpretation and application of the law by law enforcement and judicial officials. Clear implementation guidelines reflecting prevailing international human rights should be carefully drafted and disseminated in order to ensure that the law is applied in a manner that regulates without unnecessarily restricting the activities of civil society bodies, trade unions and human rights defenders. The Special Rapporteur recommends that the Government ensure that these laws are applied in a way that respects fully the human rights treaties that Cambodia has ratified. Moreover, the application of such laws should be regularly reviewed (and is already to an extent by civil society bodies) to permit timely revision, if required.

30. The Special Rapporteur received information on training activities, local-level meetings and informal discussions stopped by law enforcement officials or subjected to district or provincial approval not required by law. The law on peaceful demonstrations, which was cited as justification in many such situations, is subject to a set of guidelines – developed by the Ministry of the Interior in cooperation with OHCHR in Cambodia and a number of civil society organizations – to ensure compliance with applicable international standards. Unfortunately, the guidelines have not been sufficiently widely disseminated to achieve that result. It is essential that all local and provincial level authorities gain familiarity with the correct application of the law through the dissemination of the guidelines.

31. Freedom of expression is explicitly protected in article 41 of the Constitution of Cambodia (article 31 of which recognizes the International Covenant on Civil and Political Rights). It was, until recently, a characteristic of Cambodian society, contributing to open debate and discussion. According to article 19, paragraph 2 of the International Covenant on Civil and Political Rights, freedom of expression is subject to certain well-defined restrictions. In Cambodia, an ever wider range of laws are being used to impose restrictions, causing concern for a range of stakeholders, including human rights defenders, non-governmental organizations and civil society. There have been communications from special procedures related to this (see for example A/HRC/32/53). Provisions of the Criminal Code that can restrict freedom of expression include articles 305 (defamation), 307 (public insult of members of the Government), 311 (malicious denunciation), 424

(threat to destroy accompanied by an order) and 456 (insurrection). Information received on arrests, investigations and court proceedings over the past year indicated that many of the provisions and other laws are being invoked in a discriminatory manner, giving the impression of restrictions applied in furtherance of political objectives. The Government should monitor how the laws are applied: systematically recording and publishing cases should provide credible information.

32. In a report submitted to the Human Rights Council at its twenty-sixth session, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression focused on freedom of expression in an electoral context. He warned against the adoption of laws to control or regulate political speech immediately before and during elections, and gave an example of the criminalization of "online slander or insults" and the selective interpretation and enforcement of existing laws (A/HRC/26/30, paras. 38-40). The Government of Cambodia must ensure that all laws are applied without distinction to political opinion, giving effect to freedom of expression in accordance with article 2 of the International Covenant on Civil and Political Rights. The Human Rights Committee recommended that the Government consider decriminalizing defamation and reviewing the other sections of the Criminal Code to bring them into line with article 19 of the Covenant (see CCPR/C/KHM/CO/2, para. 21(c)).[9] According to the Committee, freedom of expression is important to the realization of the rights to political participation and to vote (see CCPR/C/GC/34, para. 20 and CCPR/C/21/Rev.1/Add.7). The Committee has also pointed out that Heads of State and Government are legitimately subject to criticism and opposition, and that the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties (CCPR/C/GC/34, para. 38). Great care must therefore be taken when articles 305 to 312 of the Criminal Code of 2009 are applied. The Special Rapporteur suggests that the Government consider reviewing the necessity of these criminal provisions in the light of the application of the International Covenant on Civil and Political Rights. In the meantime, implementing guidelines could assist law enforcement officers and members of the judiciary in applying laws on defamation, public insult and malicious denunciation to ensure that an appropriate balance is struck in favour of freedom of expression.

33. Another concern raised by stakeholders concerns the monitoring of and restrictions on the use of the Internet. The number of Internet users has continued to grow exponentially in Cambodia. Although statistical information varies, it appears that more than two fifths of the population regularly use the Internet. With the predominance of Facebook as a means of social interaction, activism and communication, a number of senior government officials, not least the Prime Minister, now author official Facebook pages. Article 19 of the International Covenant on Civil and Political Rights protects freedom of expression through electronic and digital means (see CCPR/C/GC/34).[10] As affirmed also by the Human Rights Council in its resolution 20/8. Particular care should therefore be taken to ensure respect for freedom of expression when arresting, detaining and prosecuting those posting materials on social media.

34. The Special Rapporteur understands that laws on cybercrime are currently being drafted, and urges dissemination of the drafts, when available, for meaningful discussion with stakeholders on the nature and scope of proposed regulations. Public dissemination of draft laws is necessary to ensure greater transparency in law-making and to allow consultation and consideration of the compatibility of proposed provisions with

[9] See also A/HRC/26/16, paras. 118.15-16, 118.20-21 and 118.102.
[10] Ibid., para. 118.103.

international human rights (see A/HRC/18/46, para. 74).[11] The Special Rapporteur has raised this issue with Members of Parliament on several occasions.

V. Education

35. Education plays a key role in the development of Cambodia. It can take multiple forms: from securing literacy and numeracy of all children to giving young Cambodians the knowledge and skills required to meet the demands of the labour market and attain Sustainable Development Goal 8, to ensuring that the population has a good understanding of the forthcoming elections. Education in conformity with the treaties demands human rights education. All Cambodians should be aware of the treaties on rights and freedoms that the State has ratified and have been enshrined in the Constitution. Human rights education requires education to be about, through and for human rights.[12] Good education requires well-trained teachers, high-quality resources and equality for all. Cambodia has indicated its willingness to ratify the UNESCO Convention against Discrimination in Education (see A/HRC/26/16, para. 118.9-11).

36. The Special Rapporteur was informed about an ambitious programme of reform that should raise the quality of education in the country and allow closer compliance with articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, as well as contributing to the realization of Sustainable Development Goal 4. The Special Rapporteur welcomes the progress made in a number of initiatives, including eliminating widespread cheating in school examinations, increasing teachers' salaries as a way to curb unofficial "additional payments" from families, and building additional schools to make education accessible to all. Teacher training is also being reviewed in order to ensure the consistent quality of teachers and teaching standards. The Special Rapporteur suggested that the prescribed curricula reflect human rights fully, and accepted a suggestion by the Minister for Education, Youth and Sports that she assist in reviewing the curriculum to ensure compatibility with human rights education principles and reflect the rights of women, girls, disabled persons, indigenous peoples and other marginalized groups.

37. A moratorium on the establishment of new universities remains in place in response to the recent unregulated expansion of tertiary-level institutions. The Government remains focused on strengthening the quality of higher education and aligning content with identified labour needs.

VI. Land rights and housing

38. Land rights remain a major issue of concern in Cambodia, despite the ongoing efforts of the Government to review economic land concessions, including some cancellations. Many of the problems faced by the Government today stem from the previous almost unfettered granting of land concessions, often before all claims to the land had been settled (see A/HRC/21/63/Add.1). Even when concessions are cancelled, it is not necessarily apparent who is entitled to the land returned. Although the previous mandate holder made land rights the focus of a thematic report (ibid.), many of his recommendations remain pending. Sustainable Development Goal 15 includes targets on reforestation and afforestation, as well as on sustainable land management.

[11] See also CCPR/C/KHM/CO/2, para. 25 and Sustainable Development Goal 16.

[12] See the United Nations Declaration on Human Rights Education and Training, the World Programme on Human Rights Education and Sustainable Development Goal 4.7.

39. It is imperative that land disputes be resolved definitively on clear and transparent grounds by appropriate bodies. Complaints are brought before courts and cadastral commissions, though also raised directly with others, including government officials and parliamentary bodies. This can result in a duplication of efforts and potentially conflicting decisions and solutions. It also burdens the more vulnerable communities, who may have to travel long distances to appeal to these bodies. The Special Rapporteur received hundreds of petitions relating to land issues, especially during her mission in March 2016. Many of the complaints related to matters that had already been raised before judicial and non-judicial bodies and senior government ministers, including the Prime Minister. According to the Government, it is for the courts to decide disputes once a title is granted (see A/HRC/26/16, para. 116).

40. As an example of the complexity of the current situation, in March 2016, when meeting in Preah Vihear province with a representative of the Rui Feng sugar concession company, the Special Rapporteur was informed about the company's concerns with regard to land it believed had been demarcated for its business. Kui indigenous communities in the area claimed that their traditional lands had been encroached upon, even though they had completed the first two stages of land titling and had been recognized by the Ministry of the Interior. The company expressed its willingness to work with local communities to find a solution. In that instance, four contiguous land concessions were granted for sugar plantations and a fifth for a major sugar processing plant. The company informed the Special Rapporteur that, in accordance with the terms of its agreement with the Government, all the sugar produced was for export (approximately two thirds to Europe, the remainder to China). At the time of the mission, sugarcane was being planted on some 42,000 hectares, though more will be required from local farmers when the mill reaches capacity. Although the company reported having planted only in the area marked as government land on the map it received and thus within the concession, it has encountered numerous protests over the years without resolution. The company was working on an ambitious project supporting many initiatives in the province (inter alia, repairing temples, developing health-care and education facilities for workers, and purchasing fire engines for the province), but claimed to be struggling to negotiate at the local level with the communities affected. There is work to be done by all stakeholders to ensure compliance with the Guiding Principles on Business and Human Rights, as well as the United Nations Declaration on the Rights of Indigenous Peoples.

41. Particular issues arise when land rights are traded off against energy needs. Cambodia currently imports energy from surrounding States, and the Government rightfully wishes to ensure energy sustainability. Sustainable Development Goal 7 is aimed at ensuring universal access to affordable, reliable and modern energy services. Given the expanse of the rivers in the region, hydropower has been identified as a preferred option in Cambodia, as well as in surrounding States. Nevertheless, hydropower has an impact on land rights. Building dams, flooding areas and controlling water flows inevitably affect natural ecosystems, and also the livelihoods of the people inhabiting neighbouring land. Although compromises will be required, the Special Rapporteur is of the opinion that more thorough consultations with those directly affected could ease the impact of development.

42. During the period under review, resettlement continued to be a problematic issue. During both her missions, the Special Rapporteur visited resettlement sites and met with people resettled from land concessions in Koh Kong and Stung Treng. A number of common issues emerged with regard to the appropriateness and sustainability of resettlement sites, including the quality of accommodation, access to infrastructure, and the availability of appropriate work or sources of income. Problems arise when, for example, villagers with a tradition of rice farming are resettled in an area without appropriate rice-growing soil, or when villagers with a tradition of fishing are resettled inland. The Special Rapporteur was appreciative of the holistic approach advocated by the outgoing Minister

for Rural Development (now Minister for Land Management, Urban Planning and Construction) and the Governor of Stung Treng.

43. There are a number of ongoing housing issues beyond those outlined on resettlement. The Government has benefited from the recommendations made by the Committee on Economic, Social and Cultural Rights (see E/C.12/KHM/CO/1, paras. 29-30) and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (see E/CN.4/2006/41/Add.3, para. 82). These recommendations also build towards Sustainable Development Goal 11. The adequacy of housing remains problematic, particularly in the case of housing for persons with a lower income.[13] The Special Rapporteur is aware that the large-scale movement of workers to be near places of employment (for example, construction zones or garment factories) puts particular pressure on the availability of affordable, quality housing. For this reason, ensuring that existing laws and policies guaranteeing the availability of adequate housing and that workers have an adequate standard of living are implemented is especially important.

VII. Administration of justice

44. During both missions, the Ministry of Justice outlined to the Special Rapporteur the reforms currently under way. The Special Rapporteur acknowledges the amount of work required to implement the changes needed to reform administration of justice to bring it into compliance with treaties, including the International Covenant on Civil and Political Rights (see A/HRC/15/46 and A/HRC/26/16, paras. 118.79-90). The Ministry of Justice has continued its efforts to implement the three fundamental laws on the judiciary adopted in 2014, focusing its attention on the law on the organization and functioning of the courts. While the Ministry of Justice is currently engaged in certain areas of reform, there is mounting pressure for more immediate and apparent results from the reform process.

45. The independence of the judiciary, both actual and apparent, remains a concern (see CCPR/C/KHM/CO/2, paras. 19-20 and CAT/C/KHM/CO/2, para. 13). At present, the judiciary is widely considered to be closely affiliated with the executive and legislature, despite the provisions of articles 51 and 128 of the Constitution. There have been a number of instances of senior government ministers commenting publicly on matters still under investigation or sub judice. Most recently, in April and May 2016, several government departments issued statements calling for the investigation and prosecution of specified civil society actors and United Nations officials. Such actions undermine public perception of the independence of the judiciary with regard to the executive. A strong and independent judiciary able to administer justice in a fair and transparent manner is imperative. Sustainable Development Goal 16.6 requires effective, accountable and transparent institutions.

46. The previous mandate holder made a number of recommendations for developing and strengthening the independence of the judiciary (see A/HRC/15/46), many of which have yet to be addressed. The Special Rapporteur commends those recommendations to the Government once more for detailed consideration and implementation as part of its reform agenda.

47. Challenges remain in determining statistical information on cases. For this reason, the Government should consider establishing a system for systematically recording and reporting cases, building on its evolving case registration and management system.

[13] See general comment No. 4 (1991) of the Committee on Economic, Social and Cultural Rights, para. 8.

Publication of decisions online with a summary of reasoning would undoubtedly strengthen the judicial process in Cambodia by rendering judgments more transparent. Moreover, understanding the legal reasoning behind judicial decisions will allow the public to develop more informed views about the independence (or lack thereof) of the judiciary and the consistency of judgments. It would also be a useful resource for students and those studying for admission to the professions.

48. The Special Rapporteur notes several positive measures taken during the past year, notably the increase in salary for judges and prosecutors and the effort of the Ministry of Justice to work with the Anti-Corruption Unit to monitor qualification exams for judges and prosecutors, which may help to redress the lack of transparency and apparent consistency of process in the training, recruitment and discipline of judicial officials. The Special Rapporteur recommends that, in order to strengthen transparency, the salaries of judges be reviewed annually and made public. Similar work is required on prosecutors.

49. Everyone using the judicial system encounters a range of requests for payments related to lodging complaints, filing documentation, copying materials and other work by court clerks. Although many fees are fixed, they may vary considerably and therefore have an impact on equality of access to justice. The Special Rapporteur recommends that the approved schedule of fees and any permitted additional payments be publicly displayed in all courts and at court clerk offices to eliminate unofficial overpayment. In this way, elements of corruption could be eliminated, while the actual and perceived independence of the system would be strengthened.

50. At present, most people arrested are held in pretrial detention. Accurate statistics are apparently not available, given that cases are not systematically recorded. The Ministry of Justice confirmed, however, that pretrial detention is the normal practice. In its general comment No. 35 (2014), the Human Rights Committee noted that detention in custody of persons awaiting trial should be the exception rather than the rule (CCPR/C/GC/35, para. 38). Extensive use of pretrial detention compounds the challenges acknowledged by Cambodia on prisons (see CCPR/C/KHM/Q/2/Add.1, para. 14) and commented on by the Committee on overcrowding in prisons (see CCPR/C/KHM/CO/2, para. 14). Cambodian law provides for judicial supervision as an alternative to pretrial detention. Although the Special Rapporteur was informed about the cultural barriers to judicial supervision, she suggests the Government consider taking steps at the local level to support the expansion of judicial supervision for those charged with a minor crime. Even though pretrial detention is appropriate in some cases, its prevalence is difficult to justify from the viewpoint of international human rights law (see ibid.).[14] The Special Rapporteur suggests that consideration be given to greater use of judicial supervision as provided for in the Code of Criminal Procedure. When courts consider that pretrial detention is appropriate, a full trial should follow swiftly, consistent with the rights of defence, the presumption of innocence (see A/HRC/26/16, para. 119.20) and the Code of Criminal Procedure.

51. Three sets of cases are ongoing at the Extraordinary Chambers in the Courts of Cambodia. The appeal of case 002/01 against Nuon Chea and Khieu Samphan began in July 2015. The hearing of case 002/02, the second against both, began on 17 October 2014 on charges including genocide of Cham and Vietnamese minorities, forced marriages and rape. Cases 003 against Meas Muth and 004 against Im Chaem, Ao An and Yim Tith are progressing slowly. Investigations in these cases have gone ahead on the international side, without any cooperation from the national police in implementing orders. On 5 February 2016, case 004/01 was severed from 004 to expedite the trial process. As at May 2016, the financing of the Extraordinary Chambers was stable, with $32.3 million secured.

[14] See also CCPR/C/GC/35, paras. 36-38.

VIII. Participation in political process

52. Cambodia will hold local commune/*sangkat* elections in June 2017, after which commune councillors will elect the members of the Senate. Elections to the National Assembly are scheduled for 2018. The National Election Committee was reconstituted in 2015, comprising four representatives from each main political party with seats in Parliament and an independent representative of civil society. Its mandate focuses on the forthcoming elections.

53. During her mission in March 2016, the Special Rapporteur met with the members of the National Election Committee and enquired about the status of plans on voter registration. For the first time, an electronic process will be used, with the support of the European Union and Japan, whose main contribution will be providing equipment and technical expertise for issuing the new biometric identity cards to be used for voter registration. The task of registering and issuing cards is substantial: there are approximately 10 million Cambodians, and the voter list was among the controversial aspects of the election held in 2013. The Human Rights Committee has expressed its concern over the right to vote of convicted prisoners and persons with psychosocial disabilities (see CCPR/C/KHM/CO/2, para. 26). In addition, the Special Rapporteur was informed about the difficulties encountered, and likely to be encountered, by migrant workers, persons with disabilities, persons in pretrial detention, recently relocated persons and homeless persons in securing identity cards and registering to vote. Sustainable Development Goal target 16.7 promotes inclusive, participatory decision-making. It is imperative that the Government allocate appropriate funding and technical assistance to ensure that every eligible person has the opportunity to participate in the forthcoming elections, in accordance with article 25 (b) of the International Covenant on Civil and Political Rights. The voter list should be validated and registration completed expeditiously.

54. During a number of meetings with government ministers and senior members of the Senate and National Assembly, the Special Rapporteur raised the issue of increasing the diversity of representation in Parliament. More women, members of indigenous peoples, disabled persons and other marginalized groups could be represented in political decision-making bodies. The Special Rapporteur is aware of many of the real and perceived barriers to broadening participation; the treaties that Cambodia has freely accepted nevertheless describe the requirements of a fully representative democratic society. In this regard, voter and civic education programmes could assist in breaking down barriers by developing and deepening popular understanding of the role of commune/*sangkat* and National Assembly representatives. The National Election Committee indicated to the Special Rapporteur that it would welcome support for human rights education for voters. A better informed electorate will be able to more effectively exercise its right to political participation.

55. As noted above, there are specific concerns among many stakeholders with regard to the credibility of the 2017 and 2018 elections owing to the current political situation in the country. Should the political situation not be stabilized in an environment of respect for all human rights, such concerns will be justified.

IX. Treaty body reporting and the universal periodic review

56. Cambodia has a number of periodic reports due to the treaty bodies. The Special Rapporteur notes that reporting duties are spread among government ministries and specific bodies, and draw on a range of ministries and other stakeholders. Specific cross-government bodies oversee the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms

of Discrimination against Women. According to the information provided to the Special Rapporteur in March, the report to the Committee on the Elimination of Racial Discrimination, the follow-up report to the Human Rights Committee and the responses to the list of issues posed by the Committee against Torture should be submitted by the end of 2016. Meanwhile, the report to the Committee on Economic, Social and Cultural Rights is scheduled for submission in mid-2017. The Special Rapporteur also learned that the (optional) universal periodic review mid-term report is nearing completion and will be submitted in 2016. The Special Rapporteur strongly recommends that the Government develop a rolling timetable to ensure reporting requirements are met in a timely manner. This is particularly important when different entities – many cross-ministerial – lead on reports to treaty bodies. A clear timetable would also assist in ensuring involvement of civil society and other stakeholders in the preparation of reports.

57. Cambodia is a party to the Optional Protocol to the Convention against Torture. As such, it is required to establish an independent national preventive mechanism that is institutionally and financially independent of the Government. The current arrangement in place is intragovernmental, and therefore lacks the independence required. The Special Rapporteur was encouraged to learn from the Minister of the Interior that a ministerial working group had been created and tasked with reviewing the situation, in accordance with the Optional Protocol. She encourages relevant parties to take the opportunity to create a truly independent structure involving members of civil society. Cambodia should also consider publishing the two most recent reports of the Subcommittee on Prevention of Torture.

58. As at May 2016, the Memorandum of Understanding between the Government of Cambodia and the United Nations on the field presence of OHCHR had not been signed. Given the support provided by OHCHR to various government ministries and other stakeholders, this has potential repercussions for the situation of human rights in Cambodia. It is important that the Memorandum be concluded as soon as practicable.

X. Communications to the Government

59. Between April 2015 and May 2016, four urgent appeals and five allegation letters were communicated to the Government, most by special procedures. The subject matters included housing, the freedoms of assembly, expression and association, arbitrary detention, and human rights defenders (see A/HRC/30/27, A/HRC/31/79, A/HRC/32/53 and A/HRC/33/32). As at May 2016, no replies had been received. The Special Rapporteur encourages the Government to respond to the communications in order to facilitate understanding of the issues.

XI. Conclusions

60. **Cambodia has undergone a dramatic transformation since the mandate was established. It is nonetheless clear that many recommendations made by previous mandate holders have yet to be fully implemented. The current mandate holder therefore finds herself reiterating the findings of her predecessors; indeed, most of the recommendations made in the present report have already been raised directly in discussions with government ministers. Others are relevant to communications and/or reflect recommendations made by treaty bodies commenting on periodic reports submitted by the State or supported by it during the universal periodic review. The Government of Cambodia is encouraged to reflect on all the recommendations made. Preparing a realistic timetable for responding to and addressing recommendations**

would better permit progress to be demonstrated to the Human Rights Council. The Special Rapporteur expresses her willingness to work with the Government to better protect, respect and promote human rights, for the benefit of all Cambodians.

XII. Recommendations

61. The Special Rapporteur recommends that the Government of Cambodia:

(a) Review outstanding recommendations made by the Special Rapporteur, treaty bodies and States (in the context of the universal periodic review) with a view to preparing a draft on an implementation strategy with a realistic timescale;

(b) Consult widely, finalize and publish strategic plans and policies for achieving measurable success in attaining the Sustainable Development Goals;

(c) Implement a holistic approach to all issues with an impact on indigenous peoples, ensuring genuine consultation on all decisions affecting them; should resettlement be required, practise genuine consultation to ensure free and prior informed consent of indigenous peoples to any required resettlement, and seriously consider the feasibility of alternatives proposed by the communities;

(d) Accelerate the granting of communal land titles for indigenous peoples, issue and enforce interim protection orders, and consider simplifying the process;

(e) Continue the bilingual education programme for indigenous children, and ensure that the culture and beliefs of indigenous peoples are included in the national curriculum and actively protected in law and in practice;

(f) Review laws, policies and strategies, as necessary, to ensure that equality of men and women becomes a reality, undertaking public education to reinforce positive messages of equality, and consider taking measures to eliminate barriers to women standing for election, reflecting on the possibility of temporary special measures, including women-only shortlists or lists alternating men and women;

(g) Strengthen judicial mechanisms protecting victims of domestic violence and trafficking, intensifying efforts to train judicial officers and law enforcement officials on the law on the prevention of domestic violence to ensure effective prosecutions rather than recourse to mediation; and ensure that mediation and informal mechanisms are used only for non-criminal cases;

(h) Train more women to work with victims of violence and trafficking, and develop safe locations for women who are victims of violence and trafficking and programmes to ensure recovery and reintegration into society;

(i) Apply the relevant provisions of the Criminal Code when women are depicted in a graphic manner, in particular victims of sexual assault and violence;

(j) Continue to develop strategies in formal and informal education to raise awareness of women's rights and to combat traditional gender stereotyping;

(k) Publicly disseminate drafts of laws at an early stage to facilitate meaningful consultations on them and their compatibility with human rights;

(l) Ensure the full dissemination of the law on peaceful demonstrations and the implementing guide thereon, supported by appropriate training programmes for provincial authorities and law enforcement officials to ensure that the law is correctly applied; and consider preparing similar guidelines on the application of the law on associations and non-governmental organizations and trade union law, in cooperation

with stakeholders, to ensure that the law is applied in a manner consistent with the State's human rights obligations;

(m) Reconsider provisions of the Criminal Code that can be used to restrict freedom of expression to achieve greater compatibility with international human rights standards, decriminalizing offences as necessary;

(n) Take steps to ensure that land disputes are settled swiftly, fairly and definitively, and make attempts to standardize and publicize dispute resolution opportunities in order to minimize repetition and conflicting decisions by different bodies;

(o) In the case of communities that have to be relocated, ensure that resettlement planning is holistic, including consideration of food, water, work, education and health care; and take steps to provide additional training as necessary, and give access to food, water and energy, while the communities develop their farming, fishing and usufructuary skills to a sustainable level;

(p) Require, and enforce the requirement for, more meaningful consultations with communities in advance of compulsory resettlement;

(q) On the basis of the recommendations made by the previous mandate holder (see A/HRC/18/46), embark on a programme to strengthen the independence of the judiciary at all court levels, and separate the role of the executive in the functioning of the courts and in the training and discipline of members of the judiciary;

(r) Ensure that the list of court fees is publicly displayed in all courts and that any additional fees that clerks may legitimately charge are also verified and publicly displayed;

(s) Increase efforts to systematically record and report cases with a summary of the reasoning;

(t) Increase efforts to minimize pretrial detention in order to, inter alia, reduce prison overcrowding;

(u) Consider mechanisms to facilitate the timely registration and vote of all eligible Cambodian voters, including those who are homeless, disabled, relocated, in pretrial detention or homeless, or are internal migrant workers, while taking into consideration Cambodians who are documented or undocumented migrants overseas, including in other ASEAN countries;

(v) Prepare and maintain a working schedule for reporting obligations under treaties to which the State is a party, while continuing to develop broad consultation strategies to inform the reports prepared;

(w) Proceed expeditiously to establish, in accordance with the Optional Protocol to the Convention against Torture, an independent national preventive mechanism, and make public the two most recent reports of the Subcommittee against Torture;

(x) Conclude the Memorandum of Understanding with the United Nations to ensure the continued functioning of OHCHR in Cambodia.